

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

RICHARD E. SHREVES,

Plaintiff,

vs.

DEMETRIC GODFREY, et al.,

Defendants.

CV 23-35-H-BMM-KLD

ORDER

Plaintiff Richard E. Shreves filed a pro se Complaint on May 17, 2023, alleging violations of his civil rights at Montana State Prison. (Doc. 2.) The Court reviewed Shreve's Complaint and found that it failed to comply with Fed. R. Civ. P. 8. (Doc. 6.) The Court directed Shreves to file an Amended Complaint that complied with Rule 8. *Id.*

Shreves timely filed an Amended Complaint. (Doc. 17.) The Court screened the Amended Complaint and determined on November 8, 2023, that it violated Rule 8. (Doc. 20.) The Court also found that, regarding several of the claims he asserted, Shreve's Amended Complaint failed to state a claim upon which relief could be granted. *Id.* The Court permitted Shreves to file a Second Amended Complaint by December 6, 2023. *Id.* at 27. The Court further ordered that should Shreve fail to timely file a Second Amended Complaint Shreve's Amended

Complaint would be dismissed and the Clerk of Court would enter judgment in the matter pursuant Fed. R. Civ. P. 58. *Id.*

Shreves failed to timely file a Second Amended Complaint. Shreves instead appealed the Court's November 8, 2023 Order permitting Shreves to amend his complaint. (Doc. 21.) The Ninth Circuit concluded that it lacked jurisdiction over Shreve's appeal because the Court's November 8, 2023 Order was neither final nor appealable. *See* (Doc. 23); *see also* (Doc. 24.)

Based upon the foregoing, and for the reasons expressed in Docs. 6 and 20,

ORDER

IT IS HEREBY ORDERED that

1. Shreves' Amended Complaint is **DISMISSED** for failure to comply with Fed. R. Civ. P. 8 and failure to comply with the Court's Order (Doc. 20).
2. The Clerk of Court is directed to enter judgment pursuant to Fed. R. Civ. P. 58 and close the case.
3. Any pending motions in this matter are **DENIED as moot**.

DATED this 22nd day of February, 2024.



Brian Morris, Chief District Judge
United States District Court